

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**RICHARD C. BROWER,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 2:05CV212-P-A**

**STALEY, INC.,**

**DEFENDANT.**

**ORDER**

This matter comes before the court upon Defendant Staley, Inc.'s Rule 72 appeal [68] of the U.S. Magistrate Judge's June 1, 2007 Order granting Plaintiff's motion to strike Defendant's experts. After due consideration of the appeal, the plaintiff's response thereto, and the subject order, and the original briefs, the court finds as follows, to-wit:

Pursuant to Federal Rule of Civil Procedure 72(a), the district judge to whom the case is assigned shall consider objections to, or appeals of, a non-dispositive ruling by the U.S. Magistrate Judge on a clearly-erroneous or contrary-to-law standard. Having considered the Magistrate Judge's June 1, 2007 Order granting the plaintiff's motion to strike the defendant's experts, as well as the defendant's objections to that Order, this court concludes that the defendant failed to demonstrate that the subject ruling was clearly erroneous or contrary to law.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Defendant Staley, Inc.'s Rule 72 appeal [68] of the U.S. Magistrate Judge's June 1, 2007 Order granting Plaintiff's motion to strike Defendant's experts is **OVERRULED**.

**SO ORDERED** this the 25<sup>th</sup> day of July, A.D., 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE